

# Milbank

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August 1, 2025

**VIA ECF**

The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: United States v. Nikhil Gupta, 23 Cr. 289 (VM)

Dear Judge Marrero:

We write on behalf of Defendant Nikhil Gupta in the above-referenced matter to request (i) an extension of his deadline to file a reply in support of his Rule 12 motions from August 4 to August 8, 2025, (ii) that the hearing on Mr. Gupta's Rule 12 motions begin on August 12 at 9:00 a.m. (instead of 10:00 a.m.) and adjourn by noon that day; and (iii) that the Court continue the hearing, if necessary, on the morning of August 13 or another day convenient for the Court. The government does not object to these requests.

The defense seeks additional time to file its reply based on the government's two recent discovery productions, the most recent of which was received on the evening of July 30, 2025. The productions contain Rule 16 material that is helpful to the defense, materially impact the arguments in Mr. Gupta's motions, and have generated additional discovery requests to the government. Yesterday afternoon, after meeting with Mr. Gupta, the defense conferred with the government about these productions and the defense's additional discovery requests, and the government agreed to work with the defense to promptly address its follow-up requests. Accordingly, we respectfully request until August 8 to file Mr. Gupta's reply so that the defense can continue discussing the recent productions with Mr. Gupta and incorporate the new productions into Mr. Gupta's reply. The additional time will also allow the government to consider the defense's follow-up requests, which may obviate or limit the need for Court intervention concerning the government's recent productions.

The defense also requests that the Court modify the August 12 hearing schedule because defense counsel has preexisting conflicts during the afternoon of August 12. Specifically, the defense requests that the Court begin the hearing at 9:00 a.m. (instead of 10:00 a.m.) and end the

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hearing by noon. If the hearing is not concluded by noon on August 12, the defense is available during the morning of August 13 to complete the hearing.

Thank you for your consideration of these requests. The defense is cognizant of the Court's Individual Rules of Practice, which require that requests for adjournment be made two business days before the scheduled deadline. *See* Rule I(G). The defense respectfully submits that the Court should consider the defense's requests, which include a request to move an August 4 deadline, because the requests are driven in part by a very recent discovery production, required the defense to confer with the government, and the defense moved expeditiously to bring this matter to the Court's attention. The defense has not previously requested an extension of the deadline to file its reply brief.

Respectfully submitted,



Matthew Laroche  
Nola B. Heller

Request **GRANTED**. Defendant shall submit his reply in support of his Rule 12 motion no later than August 8, 2025. The evidentiary hearing on the Defendant's Rule 12 motion is set for August 12, 2025, at 9:00 AM. If the evidentiary hearing is not concluded by 12:00 PM on August 12, 2025, the Court will continue the hearing on August 13, 2025, at 9:00 AM.

**SO ORDERED.**



Victor Marrero  
U.S.D.J.

Dated: August 1, 2025